

Translation

PATENT COOPERATION TREATY

PCT/JP2003/011319



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PH-1844-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/011319	International filing date (day/month/year) 04 September 2003 (04.09.2003)	Priority date (day/month/year) 04 September 2002 (04.09.2002)
International Patent Classification (IPC) or national classification and IPC C12N 15/19, C12P 21/08		
Applicant CHUGAI SEIYAKU KABUSHIKI KAISHA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 September 2003 (04.09.2003)	Date of completion of this report 07 April 2004 (07.04.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/011319

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed☐ the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☒ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims, Nos. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.

PCT/JP03/11319

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

Document 1: JP, 7-76600, A (Kao Corp.), 20 March, 1995 (20.03.95)(Family:none)

Document 2: Analysis of Exon/Intron Structure and 400 kb of Genomic Sequence Surrounding the 5'-promoter and 3'-terminal Ends of the Human Glypican 3 (GPC3) Gene, (Reid Huber, et al.), Genomics, 1997, Vol. 45, pages 48-58

Document 3: Mus Musculus Glypican-3, NCBI Accession No. AF185614, (M. Veugelers, et al.), 1999, [online], [Retrieved on 1 December, 2003 (01.12.03)], <URL:
<http://www.ncbi.nlm.nih.gov:80/entrez/viewer.fcgi?db=nucleotide&val=5919210>>

Document 1 cited in the ISR describes a monoclonal antibody to keratinized hair shafts and a method for manufacturing the said monoclonal antibody. It also describes that, because proteins of human hair are highly similar to those of other mammals, the immunity of human hair powder as an immunogen is very low, so an immunized animal should preferably be an animal with an autoimmune disease, and mentions MRL/1, as well as NZBWF, as such autoimmune disease animals. Document 2 cited in the ISR describes a gene to code for glypican 3 originated from humans, as well as its base sequence. Document 3 newly cited describes a gene to code for glypican 3 originated from mice, as well as its base sequence.

It is a well-known matter in the relevant technical field that, when a particular protein is known, an antibody to that protein is obtained, and so a person skilled in the art could have easily conceived of the ideas of expressing a gene to code for glypican 3 by means of a well-known genetic engineering technique and manufacturing an antibody to specifically identify glypican 3 by using the obtained glypican 3 as an immunogen, considering the descriptions of document 2, and the idea of using a publicly known autoimmune disease animal to obtain such antibody more efficiently, considering the descriptions of documents 1-3.

It is not considered that the constitutions of the subject matters of claims 1-12 produce significant effects.

Accordingly, the subject matters of claims 1-12 could have been easily conceived of by a person skilled in the art based on the descriptions of documents 1 and 3 and the general common technical knowledge prior to the priority date of the present application.